

REMARKS

This paper is responsive to any paper(s) indicated above, and is responsive in any other manner indicated below.

PENDING CLAIMS

Claims 45-69 were pending, under consideration and subjected to examination in the Office Action. Appropriate claims have been amended, canceled and/or added (without prejudice or disclaimer) in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, such changes are unrelated to any prior art or scope adjustment and are simply refocused claims in which Applicant is presently interested. At entry of this paper, Claims 45-55 and 57-69 will be pending for further consideration and examination in the application.

CLAIM OBJECTIONS OBVIATED VIA CLAIM AMENDMENT

Claims 52, 57 and 69 have been objected to because of the Office Action concerns listed within the "Claim Objections" section on page 2 of the Office Action. As amendments have been made where appropriate in order to address each of the Office Action listed concerns, reconsideration and withdrawal of the claim objection are respectfully requested.

REJECTION UNDER '112, 2ND PAR. OBVIATED VIA CLAIM AMENDMENT

Claims 47, 49 and 55 have been rejected under 35 USC '112, second paragraph, as being indefinite for the concerns listed within the sections numbered "3" and "4" on page 2 of the Office Action. Such claims have been carefully

reviewed and carefully amended where appropriate in order to address the Office Action listed concerns. As the foregoing is believed to have addressed all '112 second paragraph concerns, reconsideration and withdrawal of the '112 second paragraph rejection are respectfully requested.

REJECTION UNDER 35 USC '103

All 35 USC '103 rejections are respectfully traversed. However, such rejections have been rendered obsolete by the present clarifying amendments to Applicant's claims, and accordingly, traversal arguments are not appropriate at this time. However, Applicant respectfully submits the following to preclude renewal of any such rejections against Applicant's clarified claims.

All descriptions of Applicant's disclosed and claimed invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously submitted by Applicant in any form, are repeated and incorporated hereat by reference. Further, all Office Action statements regarding the prior art rejections are respectfully traversed. As additional arguments, Applicant respectfully submits the following.

One inventive feature of the present invention recited by the amended independent claims 45, 52 and 57 resides in that the communication circuit of said terminal board (2) or of said operation apparatus (13) generates communication data in a **highest data rate at first**, and if the communication in high data rate is invalid the data rate is gradually changed to a lower data rate until a valid communication is established. Applicant's FIG. 4 shows flow charts of communication establishing operations between the terminal board and the operation apparatus. There are three

different data transmission speeds provided, such as "HIGH-SPEED DATA TRANSMISSION" as the highest rate, "MEDIUM-SPEED DATA TRANSMISSION", and "LOW-SPEED DATA TRANSMISSION" as the lowest data rate. The data communication is tried to start first in the highest data rate at (step 26). If the attempt at communication with the high data rate was unsuccessful, then the communication is tried again at a lower data rate until the communication is established.

Since the lower data rate provides better signal-to-noise ratio in the communications, a longer communication distance is available using the lower data rate, while the communication time becomes longer. According to above feature of the present invention, the remote keyless entry system capable of communications with an optimum (fastest possible) data rate can be realized, and the communication time may be shortened. If the communication were to be established with the lowest data rate from the beginning through the end (even though higher data rate could be acceptable), a disadvantaged long communication time is taken and efficient operation cannot be expected. If the communication is tried with a highest data rate from the beginning to the end, the communication will be unsuccessful if a bad condition exists within communication path.

Turning now to rebuttal of the references, Meier shows a road vehicle keyless entry system wherein a 2-way communication (Active) in high frequency is made between the transponder and the in-vehicle communication processor, and a 1-way communication (Passive) in low frequency is also made from the transponder to the in-vehicle communication processor. Either of 2-way communication and 1-way communication is selectively used according to the communication situation. This reference also teaches that the RF output power may be increased to get a longer

range of the RF communications. However, this reference does not teach that the transponder generates communication data in a highest data rate at first, and then the data rate is gradually changed to a lower data rate until the data communication is established between the transponder and the in-vehicle communication processor.

The cited reference Mahany et al shows a mobile data communication system wherein a 2-way RF communication is made by selectively using one of two different data transmission rates between a base station mobile and a receiver unit.

However, this reference does not teach that the communication circuit of the receiver unit generates communication data in a highest data rate at first, and then the rate is gradually changed to a lower data rate until the data communication is established between the base station mobile and the receiver unit.

That is, while Mahany et al. does teach differing frequencies (e.g., 4800 baud, 9600 baud), Mahany et al., in fact, appears to teach first establishing communications using polling at a lower frequency. Attention is directed to Mahany et al.'s column 8, lines 57+, which state, "...**such polling and responses thereto will take place at the standard data rate, e.g., 4800 baud.** Since polling is typically of a short duration, polling of the improved terminal units such as 80 may also take place at the standard data rate e.g., **4800 baud.** Thus, it is respectfully submitted that Mahany et al. actually **teaches away** from Applicant's disclosed and claimed invention.

The reference Howe et al shows communication monitoring and control system wherein if a communication between the calling and called parties in 2-way connection is rejected the communication is switched to 1-way connection. However, this reference does not teach that the communication is made in a highest data rate

at first and then the data rate is gradually changed to a lower data rate until the data communication is established between the calling and called parties.

As a result of all of the foregoing, it is respectfully submitted that the applied art (taken alone and in the Office Action combinations) would not support a '103 obviousness-type rejection of Applicant's claims. Accordingly, reconsideration and withdrawal of such '103 rejection, and express written allowance of all of the '103 rejected claims, are respectfully requested.

EXAMINER INVITED TO TELEPHONE

The Examiner is herein invited to telephone the undersigned attorneys at the local Washington, D.C. area telephone number of 703/312-6600 for discussing any Examiner's Amendments or other suggested actions for accelerating prosecution and moving the present application to allowance.

RESERVATION OF RIGHTS

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer. That is, any above statements, or any present amendment or cancellation of claims (all made without prejudice or disclaimer), should not be taken as an indication or admission that any objection/rejection was valid, or as a disclaimer of any scope or subject matter. Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to

any/all limitations/features not yet claimed, i.e., Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are now in condition for allowance.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR '1.136. Authorization is herein given to charge any shortage in the fees, including extension of time fees and excess claim fees, to Deposit Account No. 01-2135 (Case No. 500.37389CX1) and please credit any excess fees to such deposit account.

Based upon all of the foregoing, allowance of all presently-pending claims is respectfully requested.

Respectfully submitted,

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